International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the sixth periodic report of Hungary*

1. The Committee considered the sixth periodic report of Hungary (CCPR/C/HUN/6) at its 3464th and 3465th meetings (see CCPR/C/SR.3464 and 3465), held on 19 and 20 March 2018. At its 3478th and 3480th meetings, held on 28 and 29 March 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its sixth periodic report in response to the list of issues prior to reporting prepared under that procedure (CCPR/C/HUN/QPR/6). It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption on 1 January 2012 of a bill of rights within the framework of the Fundamental Law;

(b) The establishment in 2015 of the National Disability Programme for the period 2015–2025;

(c) The establishment in 2013 of the National Strategy against Trafficking in Human Beings for the period 2013–2016;

(d) The establishment in 2011 of the National Social Inclusion Strategy for the period 2014–2020.

4. The Committee welcomes the State party's ratification on 12 January 2012 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee also welcomes the fact that, on 14 March 2014, the State party signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

* Adopted by the Committee at its 122nd session (12 March–6 April 2018).

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

5. The Committee is concerned about the level of protection afforded in law and in practice to fundamental rights in Hungary, as the Fundamental Law has been subject to frequent amendments, often in relation to laws that the Constitutional Court had earlier ruled unconstitutional. The Committee notes that the institution of *actio popularis* has been abolished in the new Constitution and is concerned that the current constitutional complaints procedure affords more limited access to the Constitutional Court, does not provide for a time limit for the exercise of constitutional review and does not have a suspensive effect on legislation that is challenged. The Committee is also concerned about the use of cardinal laws that shield governmental policies from change by an ordinary majority in the parliament and about the limited information provided concerning the application of or reference to the Covenant by the Supreme Court and the Constitutional Court (art. 2).

6. **The State party should respect the separation of powers and institutional checks and balances between elected institutions and judicial institutions entrusted with protecting human rights, including minority rights. In particular, it should ensure that the constitutional review process is effective and provides, in law and in practice, adequate legal safeguards to ensure full protection for Covenant rights in the domestic legal order. The State party should also raise awareness of the need to ensure that domestic laws are interpreted and applied in conformity with its obligations under the Covenant.**

Legislative process

7. The Committee notes the many legislative reforms in the State party since the review of its fifth periodic report, but is concerned about the process by which legislation has been adopted and about the negative impact of some of the resulting legislative provisions on the promotion and protection of human rights in Hungary. In particular, the Committee notes with concern reports of insufficient consultation with opposition politicians, the speed at which the legislative process is often conducted, especially when initiated by committees and individual lawmakers, and the failure to ensure the transparency of draft legislation or to allow sufficient time for deliberation, public consultation and impact assessment. It is also concerned about the practice of introducing substantive legislative amendments after the end of parliamentary deliberation, making use of a special measure that is intended only for the review of technical or inconsistent provisions (arts. 2, 19 and 25).

8. **The State party should strengthen its legislative process, especially in relation to laws affecting the enjoyment of human rights, by ensuring that mechanisms are in place to guarantee a transparent, inclusive and participatory process that involves opposition politicians, civil society, other relevant stakeholders and the general public, and provides adequate opportunity and time for the meaningful review and proper debate of legislative proposals and amendments.**

Views under the Optional Protocol

9. While noting with satisfaction the State party's statement that it is of the utmost importance for Hungary to comply with the Committee's Views to the extent possible in the framework of the Hungarian legal system, the Committee regrets the lack of information regarding the implementation of the Committee's Views under the Optional Protocol to the Covenant (art. 2).

10. **The State party should take all necessary measures to implement the Views adopted by the Committee so as to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant, in accordance with article 2 (3) of the Covenant.**

Administration of justice

11. The Committee is concerned about the provisions of the new Constitutional Court Act, which weaken judges' security of tenure and increase the influence of the Government over the composition and operation of the Constitutional Court by changing the judicial appointment procedure, the number of judges in the Court and their retirement age, and by transferring administrative authority over the judicial system from the National Judicial Council to the National Judicial Office. In addition, the Committee notes with concern the premature termination of the mandate of the former President of the Supreme Court, Judge Baka, allegedly for having criticized reforms of the judiciary. It is also concerned about the limitation of the Constitutional Court's competence and powers to review legislation impinging on budgetary matters (arts. 2 and 14).

12. **The State party should review the legislative framework governing the powers of the Constitutional Court with a view to reinstating its formal competencies and should take measures to guarantee and protect the full independence and impartiality of the judiciary by, inter alia, ensuring that judges operate without pressure and interference from the executive branch or other outside influences. The State party should also ensure that judges are appointed and promoted on objective criteria of competence and merit and dismissed only on serious grounds of misconduct or incompetence, in accordance with fair procedures ensuring objectivity and impartiality established by law (see the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, para. 20).**

National human rights institution

13. While welcoming the A status granted in 2014 to the Office of the Commissioner for Fundamental Rights by the Global Alliance of National Human Rights Institutions and the State party's commitment to guaranteeing the necessary resources for all the Office's needs, the Committee is concerned about reports that the Office lacks the human and financial resources necessary to carry out its mandate effectively (art. 2).

14. **The State party should review the financial and other resource needs of the Office of the Commissioner for Fundamental Rights and ensure that it has the financial and other resources necessary to implement its mandate effectively and independently.**

Roma exclusion

15. While noting the adoption of various strategies and programmes to improve the situation of the Roma community and the progress made in certain areas, such as school attendance by Roma children, the Committee is concerned about reports that the Roma community continues to suffer from widespread discrimination and exclusion, unemployment and housing and educational segregation. It is particularly concerned that, notwithstanding the Public Education Act of 2012, segregation remains prevalent in schools, especially church and private schools, and the number of Roma children placed in schools for children with mild disabilities remains disproportionately high (arts. 2, 24 and 26).

16. **The State party should increase its efforts to promote non-discriminatory access to opportunities and services in all fields for members of the Roma community. It should adopt measures to monitor and effectively eradicate the educational segregation of Roma children, and ensure that standardized procedures based on scientific methods are used by all experts assessing whether children have disabilities and that education is provided to all Roma children on a non-discriminatory basis.**

Hate speech, hate crimes, racism and discriminatory behaviour by the police

17. While acknowledging that hate crime is included in the Criminal Code, the Committee is concerned about the prevalence of hate crimes and about hate speech targeting minorities, notably Roma, Muslims, migrants and refugees, in political discourse, in the media, on the Internet and even in Government-sponsored campaigns. The Committee notes the information provided by the State party about the measures taken to promote Jewish life in Hungary, but expresses its concern about the prevalence of anti-

Semitic stereotypes and the negative historical associations arising out of the manner in which high-ranking officials have nurtured conspiracy theories relating to George Soros. The Committee also notes with concern allegations that the number of registered hate crimes is extremely low because the police often fail to investigate and prosecute credible claims of hate crimes and criminal hate speech. Moreover, the Committee is concerned about reports of the persistent racial profiling of Roma by the police (arts. 2, 18, 20 and 26).

18. **The State party should regularly, publicly and effectively reaffirm that any advocacy of ethnic or racial hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law and should act promptly to bring perpetrators of hate crimes to justice. It should take effective measures to improve the reporting, investigation, prosecution and punishment of hate crimes and criminal hate speech, in accordance with its obligations under the Covenant, and should strengthen its efforts to eradicate stereotyping and discrimination against migrants, refugees, Jews and Roma, among others, by conducting public awareness campaigns to promote tolerance and respect for diversity and to highlight the unacceptability of racial profiling. It should also ensure that State officials responsible for discriminatory behaviour towards Roma and other minority groups are held accountable in all instances.**

Discrimination against lesbian, gay, bisexual and transgender persons

19. The Committee is concerned that the ban on discrimination in the Fundamental Law does not explicitly list sexual orientation and gender identity among the grounds of discrimination and that its restrictive definition of family may give rise to discrimination, since it does not cover certain types of family arrangements, including same-sex couples. The Committee is also concerned about the acts of violence and the prevalence of negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, particularly in employment and education (arts. 2, 3, 6, 7, 17 and 26).

20. **The State party should:**

(a) **Prohibit discrimination on all grounds, including sexual orientation and gender identity, and in all spheres and sectors, including education, employment, marriage and family arrangements;**

(b) **Ensure access to effective remedies for any act of discrimination and ensure that courts interpret discrimination laws in accordance with the Covenant;**

(c) **Take the necessary measures to curb discrimination against lesbian, gay, bisexual and transgender persons with regard to family arrangements;**

(d) **Ensure the effective identification, recording, investigation, prosecution and punishment of acts of violence motivated by the sexual orientation or gender identity of the victims, and intensify efforts to combat negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including through the provision of training for law enforcement officials.**

Persons with disabilities

21. While noting the State party's progress in promoting and protecting the rights of persons with disabilities, the Committee is concerned at the large numbers of persons with mental, intellectual and psychosocial disabilities who are forcibly placed in medical institutions, held in isolation or subjected to forced treatment, and the inadequacy of the current legal framework to achieve deinstitutionalization and enhance appropriate community-based support. The Committee is also concerned that, to date, only a small number of persons with such disabilities have benefited from the new system of supported decision-making established under the Civil Code of 2014, and about the reported tendency to deprive persons with such disabilities of their legal capacity, including the right to vote, despite their ability to engage in social interactions. The Committee is further concerned about reported violence and cruel, inhuman and degrading treatment and about allegations of a high number of deaths in closed institutions that have not been investigated. In that connection, it is particularly concerned about the reported evidence of the torture and ill-treatment of 220 children and adults with disabilities in the State-run Topház Special Home in the city of Gőd. Furthermore, the Committee is concerned about reports that, despite a

legal prohibition of the practice, some forced sterilization of persons with disabilities still occurs (arts. 2, 6, 7, 9, 10, 14, 16, 25 and 26).

22. **The State party should:**

(a) **Ensure that persons with disabilities are not discriminated against, in law or in practice, in the enjoyment of their rights;**

(b) **Review its policy of restricting the legal capacity of persons with mental disabilities and establish the necessity and proportionality of any such restrictive measures, on an individual basis, with the accompaniment of effective procedural safeguards ensuring that all persons who have their legal capacity restricted have prompt access to an effective judicial review of decisions affecting them and free and effective legal representation in all proceedings regarding their legal capacity;**

(c) **Strengthen the strategy on deinstitutionalization aimed at replacing large social institutions with community-based settings and ensure that any decision to isolate, place or treat persons with mental, intellectual and psychosocial disabilities is made after a thorough medical assessment; that any restrictions are legal, necessary and proportionate, for the purpose of protecting the individual in question from serious harm or preventing injury to others; that sterilization of persons with disabilities takes place only with the free and informed consent of the persons concerned; and that an effective remedy is guaranteed, any abuse is effectively investigated and criminal liability is imposed in appropriate cases;**

(d) **Ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on grounds that are disproportionate or that have no reasonable and objective relationship to their ability to vote, taking into account article 25 of the Covenant.**

Gender discrimination

23. The Committee is concerned that women are underrepresented in decision-making positions in the public sector, particularly in government ministries and the parliament. The Committee regrets that stereotyped patriarchal attitudes still prevail in the State party with respect to the position of women in society, and notes with concern discriminatory comments against women by political figures (arts. 2, 3, 25 and 26).

24. **The State party should adopt specific measures to increase the representation of women in decision-making positions in the public sector, including, where necessary, appropriate temporary special measures to give effect to the provisions of the Covenant. The State party should take the necessary practical steps, including awareness-raising campaigns, to eradicate negative stereotypes regarding the position of women in society, in law and in practice, and review legislation and constitutional provisions that may reinforce such stereotypes.**

Domestic violence

25. Notwithstanding the positive measures taken by the State party, including the increase in the number of available beds in shelters, the Committee is concerned about reports that domestic violence continues to be a persistent and underreported problem, that the police response to cases of domestic violence and the mechanisms to protect and support victims are inadequate and that access to shelters remains insufficient. It notes with concern that the Criminal Code does not fully protect women victims of domestic violence, since section 212/A (2), which criminalizes violent behaviour that does not reach the level of battery, introduces the following requirements: (a) that the victim file a private complaint; (b) that the victim and the abuser were or are in cohabitation or have joint children; and (c) that at least two separate instances of domestic violence occurred within a short time frame. The Committee also notes that section 212/A does not explicitly refer to sexual offences as a form of domestic violence (arts. 2, 3, 7 and 26).

26. **The State party should ensure that cases of domestic violence are reported, recorded and thoroughly investigated, that perpetrators are prosecuted and punished with appropriate sanctions and that victims have access to effective remedies and**

means of protection, including an adequate number of shelters available in all parts of the country. It should strengthen the legal framework, including the Criminal Code, for the protection of women against domestic and sexual violence and consider ratifying the Istanbul Convention. Furthermore, it should ensure that police officers, prosecutors and judges receive appropriate training to deal effectively with cases of domestic violence.

Human trafficking

27. While noting the various programmes implemented by the State party to combat trafficking in human beings and to support victims of trafficking, the Committee is concerned at allegations of the persistence in the State party of this phenomenon, particularly in transit areas (art. 8).

28. **The State party should:**

(a) **Continue its efforts to raise awareness and, in cooperation with neighbouring countries, to combat trafficking in persons, including at the regional level, in transit areas;**

(b) **Compile statistical data on victims of trafficking, which should be disaggregated by gender, age, country of origin or destination and the type of trafficking involved, with a view to addressing the scope of this phenomenon and assessing the effectiveness of the current programmes and strategies;**

(c) **Ensure that all individuals responsible for trafficking in persons are prosecuted and receive punishment commensurate with the crimes committed;**

(d) **Ensure that victims receive adequate reparation and compensation.**

Juvenile justice

29. The Committee is concerned that the State party has lowered the age of criminal responsibility from 14 to 12 years for heinous crimes. It is also concerned about the high number of minors in conflict with the law who are subject to deprivation of liberty (arts. 9, 14 and 24).

30. **The State party should ensure that its juvenile criminal justice system upholds the rights set forth in the Covenant and other international instruments and, as a first step, raise the age of criminal responsibility back from 12 to 14 years for all crimes. The State party should ensure that minors in conflict with the law are treated in a way that promotes their integration into society, and should observe the principle that the detention of children should be used only as a measure of last resort and for the shortest possible time.**

Right to a fair trial and access to a lawyer

31. The Committee is concerned about the discretion reportedly exercised by the authorities over whom to appoint as State-funded lawyers for detainees, the practice of appointing the same lawyers for the majority of cases and information suggesting that indigent defendants receive a lower quality of legal representation. It notes the information provided by the State party, according to which the new Code of Criminal Procedure provides for higher standards of notification to lawyers representing arrested persons, but remains concerned about the reported failures in this regard under existing law, including a very short notification time to lawyers before court hearings (arts. 9 and 14).

32. **The State party should ensure that all persons deprived of their liberty are guaranteed all fundamental legal safeguards from the very outset of detention. The State party should ensure that State-appointed defence lawyers provide adequate and effective legal representation.**

Criminalization of homelessness

33. Notwithstanding Constitutional Court decision No. 38/2012 (XI.14), which stated that the punishment of homeless persons for living in a public area violated the right to

human dignity, the Committee is concerned about State and local legislation, based on the Fourth Amendment to the Fundamental Law, which designates many public areas as out of bounds for sleeping rough and effectively punishes homelessness. The Committee notes the explanation given by the State party that in practice no fines are imposed on homeless persons, but regrets that fines and incarceration are still available in law and therefore could be applied at any time (arts. 2, 9, 17 and 26).

34. **The State party should engage with State and local authorities to abolish laws and policies effectively criminalizing homelessness at the State and local levels. It should ensure close cooperation among all relevant stakeholders, including social, health, law enforcement and justice professionals at all levels, with a view to intensifying efforts to find solutions for homelessness, in accordance with human rights standards.**

Prohibition of torture and cruel, inhuman or degrading treatment and of the excessive use of force

35. The Committee is concerned about allegations regarding the excessive use of force, including ill-treatment and torture, by law enforcement officials at the time of arrest and during interrogations and about the very low number of prosecutions and convictions in such cases. It recalls its previous concluding observations (CCPR/C/HUN/CO/5, para. 14) and regrets the continuing requirement that law enforcement personnel be present during medical examinations of inmates, unless formally requested otherwise by staff or the inmate concerned (arts. 7 and 10).

36. **The State party should:**

(a) **Ensure that prompt, impartial, thorough and effective investigations are carried out into all allegations of excessive use of force, including torture and ill-treatment, by law enforcement officers, and that perpetrators are prosecuted and punished with appropriate sanctions;**

(b) **Take appropriate measures to strengthen the Independent Police Complaints Board, to expand its investigatory powers and to ensure its independence in carrying out investigations of alleged misconduct by police officers;**

(c) **Consider establishing an independent medical examination body mandated to examine alleged victims of torture and guarantee respect for human dignity during the conduct of medical examinations;**

(d) **Ensure that all training programmes for law enforcement officials include instruction in the investigation and prevention of torture and ill-treatment, and incorporate into those programmes the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).**

Right to liberty and security of person and to humane treatment of persons deprived of their liberty

37. While welcoming the progress made by the State party in addressing excessive pretrial detention, the Committee is concerned about the reported absence of a defined legal limit on the length of pretrial detention and about the excessive use of pretrial detention during the investigation phase, including for juveniles (arts. 9, 14 and 24).

38. **The State party should:**

(a) **Continue reducing the length of pretrial detention, make use of non-custodial alternatives and revise its legislation accordingly;**

(b) **Periodically review the length of pretrial detention on an individualized basis to determine whether it is reasonable and necessary, and guarantee the right to a trial within a reasonable time;**

(c) **Ensure that the detention of juveniles is resorted to, if at all, only as a measure of last resort and for the shortest possible time.**

Life imprisonment without parole

39. The Committee is concerned about the highly restrictive legal conditions for granting clemency to persons sentenced to life imprisonment without parole, which provide that an inmate may be considered for clemency only after 40 years of incarceration and that the President's final decision need not be justified (arts. 7 and 10).

40. **The State party should ensure that the procedure established in law for clemency in the case of prisoners serving a life sentence without parole allows for a meaningful opportunity for release, based on a timely, proper and non-arbitrary review.**

Persons deprived of their liberty

41. While acknowledging the State party's efforts to reduce overcrowding in prisons, including the construction of new facilities and the use of non-custodial alternative measures, the Committee is concerned about the persistence of this problem and regrets the failure of the State party to make greater use of non-custodial alternative measures to incarceration. It is also concerned about poor conditions of detention (arts. 7 and 10).

42. **The State party should strengthen its efforts to eliminate overcrowding in places of detention, including by increasing the use of non-custodial alternative measures to incarceration. It should also improve conditions of detention and redouble efforts to guarantee the right of detainees to be treated with dignity.**

Government surveillance and interception of communications

43. The Committee is concerned that the State party's legal framework on secret surveillance for national security purposes (section 7/E (3) surveillance): (a) allows for mass interception of communications; and (b) contains insufficient safeguards against arbitrary interference with the right to privacy. It is also concerned at the lack of provision for effective remedies in cases of abuse and the absence of a requirement to notify the person under surveillance as soon as possible, without endangering the purpose of the restriction, after the termination of the surveillance measure (arts. 2, 17, 19 and 26).

44. **The State party should increase the transparency of the powers of the legal framework on secret surveillance for national security purposes (section 7/E (3) surveillance) and the safeguards against its abuse by considering the possibility of making its policy guidelines and decisions public, in full or in part, subject to national security considerations and the privacy interests of individuals concerned by those decisions. It should ensure that all laws and policies regulating secret surveillance are in full conformity with its obligations under the Covenant, in particular article 17, including the principles of legality, proportionality and necessity; that effective and independent oversight mechanisms for secret surveillance are put in place; and that the persons affected have proper access to effective remedies in cases of abuse.**

Holding migrants in transit areas and immigration detention

45. The Committee is concerned about the negative impact of the major legislative reforms on migration adopted by the State party over the past few years. While noting the State party's position that, as a sovereign State, it is entitled to curb illegal migration to its territory, the Committee is concerned that the law adopted in March 2017, which allows for the automatic removal to transit areas of all asylum applicants for the duration of their asylum process, except unaccompanied children identified as being below the age of 14 years, does not meet the legal standards under the Covenant, owing to: (a) the lengthy and indefinite period of confinement allowed; (b) the absence of any legal requirement to promptly examine the specific conditions of each affected individual; and (c) the lack of procedural safeguards to meaningfully challenge removal to a transit area. The Committee is particularly concerned about reports of the extensive use of automatic immigration detention in holding facilities inside Hungary and about claims that restrictions on personal liberty have been used as a general deterrent against unlawful entry rather than in response to an individualized determination of risk. In addition, the Committee is concerned about allegations of poor conditions in some holding facilities (arts. 2, 7, 9, 10, 13 and 24).

46. **The State party should bring its legislation and practices relating to the treatment of migrants and asylum seekers into compliance with the Covenant, taking into account, inter alia, the Committee's general comment No. 35 (2014) on liberty and security of person. It should also:**

(a) **Refrain from automatically removing all asylum applicants to the transit areas, thereby restricting their liberty, and conduct individual assessments of the need to transfer them, on a case-by-case basis;**

(b) **Significantly reduce the period of initial mandatory immigration detention, ensure that any detention beyond that initial period is justified as reasonable, necessary and proportionate in the light of the individual's circumstances and provide that it is subject to periodic judicial review;**

(c) **Expand the use of alternatives to detention for asylum seekers;**

(d) **Legally limit the overall duration of immigration detention;**

(e) **Provide for a meaningful right to appeal against detention and other restrictions on movement;**

(f) **Ensure that children and unaccompanied minors are not detained, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests, as a primary consideration, with regard to the duration and conditions of detention and their special need for care;**

(g) **Improve the conditions in the transit areas and ensure that migrants are held in appropriate, sanitary, non-punitive facilities and that immigration detention does not take place in prisons.**

Non-refoulement and excessive use of force

47. While noting the information provided by the State party on the applicable standards and the safeguards against non-refoulement, the Committee is concerned that the State party's legal framework does not afford full protection against non-refoulement. It notes with concern: (a) the "pushback" law, first introduced in June 2016, which allows the summary expulsion by the police of anyone who crosses the border irregularly and is detained on Hungarian territory within 8 km of the border, a limit that was subsequently extended to the entire territory of the State party; and (b) Decree No. 191/2015 designating Serbia a "safe third country", thereby authorizing pushbacks at the border between Hungary and Serbia. The Committee notes with concern reports that pushbacks have been applied indiscriminately and that individuals subjected to this measure have very limited opportunity to submit an asylum application and virtually no right of appeal. It also notes with concern reports of collective and violent expulsions, allegedly accompanied by heavy beatings, attacks by police dogs and shooting with rubber bullets, which have resulted in severe injuries and, at least in one case, in the death of an asylum seeker (arts. 2, 6, 7, 9 and 13).

48. **The State party should ensure that the non-refoulement principle is secured in law and strictly adhered to in practice, and that all asylum seekers, regardless of their mode of arrival into Hungary, have access to fair and efficient refugee status determination procedures and effective protection against non-refoulement. In particular, it should:**

(a) **Repeal the pushback law adopted in June 2016 and the amendments thereto, and legally ensure that the removal of an individual must always be consistent with the State party's non-refoulement obligations;**

(b) **Consider revising Decree No. 191/2015 and developing procedural safeguards against refoulement, including the possibility of the review of asylum decisions by an independent judicial body that can provide effective remedies;**

(c) **Refrain from the collective expulsion of aliens and conduct an objective, individualized assessment of the level of protection available in "safe third countries";**

(d) **Ensure that force or physical restraint is not applied against migrants, except under strict conditions of necessity and proportionality, that all allegations of**

the use of force against them are promptly investigated, that perpetrators are prosecuted and punished with appropriate sanctions and that victims are offered reparation.

Child asylum seekers and unaccompanied minors

49. The Committee is concerned about reports that the age assessment of child asylum seekers and unaccompanied minors conducted in the transit areas relies heavily on visual examination by an expert and is inaccurate, and that such children lack adequate access to education, social and psychological services and legal aid (art. 24).

50. **The State party should ensure that, in cases where there is a reasonable doubt about the age of the person concerned, age assessment procedures are conducted only by experts in that field, in the best interests of the child. The State party should also ensure that child asylum seekers, in particular unaccompanied children, have access to adequate education, social and psychological services and legal aid and are provided with a legal representative and/or guardian without delay.**

Freedom of thought, opinion and association in higher education

51. The Committee notes with concern the amendment introduced in 2017 to Act CCIV of 2011 on National Higher Education, which imposes disproportionate restrictions on the operation of foreign-accredited universities. While the Committee notes the explanation given by the State party delegation that this legislation applies to all accredited universities in its territory, the Committee notes a lack of sufficient justification for the imposition of such constraints on freedom of thought, expression and association, as well as academic freedom. The Committee is concerned that the constraints particularly affect the Central European University because of its links with George Soros (arts. 18, 19, 21, 22 and 26).

52. **The State party should revise the recent amendments introduced to Act CCIV of 2011 on National Higher Education to ensure that any restrictions imposed on the operation of foreign-accredited universities are strictly necessary, proportionate and consistent with the requirements of, inter alia, articles 19 (3), 21 and 22 (2) of the Covenant and that they do not unreasonably or disproportionately target the Central European University.**

Foreign funding of non-governmental organizations

53. The Committee is concerned about unreasonable, burdensome and restrictive conditions imposed on some non-governmental organizations (NGOs) receiving foreign funding under Act LXXVI of 2017 on the Transparency of Organizations Supported from Abroad, including the requirement that certain NGOs should register as "foreign-supported organizations" and publicly identify their foreign supporters. Despite the information provided by the State party delegation claiming that the law aims to ensure transparency regarding NGO funding sources, the Committee notes a lack of sufficient justification for the imposition of these requirements, which appear to be part of an attempt to discredit certain NGOs, including NGOs dedicated to the protection of human rights in Hungary (arts. 19, 21, 22 and 26).

54. **The State party should revise Act LXXVI of 2017 on the Transparency of Organizations Supported from Abroad, with a view to bringing it in line with the State party's obligations under the Covenant, particularly articles 19, 21, 22 and 26, and take into account the opinion adopted in this regard by the European Commission for Democracy through Law (the Venice Commission) in 2017.**

"Stop-Soros" package

55. The Committee notes with concern the recently introduced package of three draft laws before the parliament, also known as the "Stop-Soros" package (T/19776, T/19775 and T/19774), which, if adopted, will impose serious restrictions on the operations of civil society organizations and of critics of the State party's immigration policy. The Committee is concerned that, by alluding to the "survival of the nation" and to the protection of citizens and culture and by linking the work of NGOs to an alleged international conspiracy, the

package will stigmatize NGOs and curb their ability to carry out their important activities in support of human rights, particularly the rights of refugees, asylum seekers and migrants. The Committee is also concerned that the imposition of restrictions on foreign funding directed to NGOs may be used to apply illegitimate pressure on them and to interfere unjustifiably with their activities. It is particularly concerned about the proposals contained in the package for the imposition of: (a) significant additional reporting requirements and financial burdens on NGOs described as "organizations supporting migration"; (b) a 25 per cent tax on foreign funding for NGOs working for the protection of the rights of refugees, asylum seekers and migrants; and (c) restraining orders banning individuals from an 8-km zone inside the country's borders, or third-country nationals from the entire territory of the country, for what are claimed to be reasons of national security and danger to the public (arts. 19, 22 and 25).

56. **The State party should reject the draft laws known as the "Stop-Soros" package introduced before the parliament on 13 February 2018 and ensure that all legislation relating to NGOs is fully consistent with its international obligations under the Covenant, reflects the important role of NGOs in a democratic society and is designed to facilitate, not undermine, their operations.**

Media freedom

57. The Committee is concerned at the State party's media laws and practices, which restrict freedom of opinion and expression. It is concerned that, following successive changes in the law, the current legislative framework does not fully provide for an uncensored and unhindered press. It notes with concern that the Media Council and the National Media and Infocommunications Authority lack sufficient independence to perform their functions and have excessively broad regulatory and sanctioning powers (arts. 17, 18 and 19).

58. **The State party should revise its laws and practice with a view to guaranteeing the full enjoyment of freedom of expression by everyone in practice, including by ensuring the existence of truly independent media and media-regulating bodies and enabling an environment for their operation free from undue governmental influence or interference. The State party should also ensure that any restrictions on the exercise of freedom of expression comply with the strict requirements of article 19 (3) of the Covenant.**

D. Dissemination and follow-up

59. **The State party should widely disseminate the Covenant, the two Optional Protocols, its sixth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

60. **In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 6 April 2020, information on the implementation of the recommendations made by the Committee in paragraphs 46 (holding migrants in transit areas and immigration detention), 48 (non-refoulement and excessive use of force) and 56 ("Stop-Soros" package) above.**

61. **The Committee requests the State party to submit its next periodic report by 2023. Given that the State party has accepted the simplified reporting procedure, the Committee will transmit to it a list of issues prior to the submission of the report in due course. The State party's replies to that list will constitute its seventh periodic report. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.**